

REFERENCE TITLE: state employees; exempt positions

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2415

Introduced by
Representative Lopes

AN ACT

AMENDING SECTION 41-771, ARIZONA REVISED STATUTES; RELATING TO STATE EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-771, Arizona Revised Statutes, is amended to
3 read:
4 41-771. Exemptions
5 A. This article and article 6 of this chapter do not apply to:
6 1. Elected state officers.
7 2. State officers and members of boards and commissions **WHO ARE**
8 appointed by the legislature or the governor, the employees of the governor's
9 office, the employees of the Arizona legislative council, ~~and~~ and the employees
10 of the supreme court and the court of appeals.
11 3. State officers and employees **WHO ARE** appointed or employed by the
12 legislature or either house ~~thereof~~ **OF THE LEGISLATURE**.
13 4. The curator, curatorial aides and tour guides and any other person
14 **WHO IS** employed to work in the state capitol museum.
15 5. Officers or employees of state universities and personnel of the
16 Arizona state ~~school~~ **SCHOOLS** for the deaf and the blind.
17 6. Patients or inmates **WHO ARE** employed in state institutions.
18 7. Officers and enlisted personnel of the national guard of Arizona.
19 8. The single administrative or executive director and one deputy
20 director of each state department or agency.
21 9. Not more than two assistants who serve in the office of an elected
22 state officer, ~~where~~ **IF** that elected state officer is the sole elected head
23 of the department.
24 10. One administrative assistant who serves a board or commission
25 elected to head a state agency, department or division, and one assistant for
26 each elected member of such **A** board or commission.
27 11. Persons ~~reporting~~ **WHO REPORT** directly to the governor.
28 12. Employees of the department of emergency and military affairs who
29 occupy Arizona national guard positions identified as mobilization assets.
30 13. Any other position exempted by law.
31 B. Except for section 41-772, subsections D, E and F, this article and
32 article 6 of this chapter do not apply to those positions determined by the
33 director to meet any of the following criteria:
34 1. Top level positions in a department or agency that determine and
35 publicly advocate substantive program policy. This includes those persons
36 **WHO ARE** engaged in the direction of line operations if they report directly
37 to the director or deputy director of the agency and in large ~~multi-program~~
38 **MULTIPROGRAM** agencies those persons who report directly to the head of a
39 primary component of the department or agency.
40 ~~2. Those persons who are required to maintain a direct confidential~~
41 ~~working relationship with an exempt official.~~
42 ~~3.~~ 2. Persons who provide legal counsel.
43 ~~4. Positions that are part time.~~
44 ~~5.~~ 3. Positions that are temporary, ~~AND THAT ARE~~ established for the
45 purpose of conducting a special project, study or investigation.

- 1 ~~6.~~ 4. Positions that are essentially for rehabilitation purposes.
2 ~~7.~~ 5. Positions that are determined by the director to be directly ~~or~~
3 ~~indirectly~~ engaged in establishing policy or enforcement standards.
4 ~~8.~~ 6. Directors of all institutions ~~which~~ THAT maintain supervision
5 or care on a twenty-four hour per day basis other than halfway houses or
6 group homes.